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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,215	03/17/2005	Bernd Salomon-Bahls	11138-017	6269

757 7590 04/06/2007
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CHICAGO, IL 60610

EXAMINER

KEE, FANNIE C

ART UNIT	PAPER NUMBER
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3679

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/528,215

Applicant(s)

SALOMON-BAHLS, BERND

Examiner

Fannie C. Kee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20050317</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because the cross-hatching is incorrect for the following reference numbers in all figures in which these reference numbers are found – “6” (paragraph 36, line 7); “24” (paragraph 37, line 1); “32” (paragraph 39, lines 3-4); and, “34” (paragraph 39, lines 4-5).

In all figures in which these reference numbers are found **except for** Figures 15-18, the cross-hatching is incorrect for reference number “28” (paragraph 45, lines 7-8).

In Figure 1, the lead line for reference number “34” does not appear to point at the dirt seal, rather, it appears to be pointing at the receiving opening.

2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because of a minor grammatical error, i.e., add the word --which-- before the words “consists of” at the beginning of the sentence in line 9.

Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities:

- a. Paragraph 36, line 24 – replace the word “is” between the words “ring 8” and “elastically constricted” with the words --to be--.

Correction is required.

Claim Objections

5. Claim 1 is objected to because of the following informalities: add the word --which-- after the words “form-fitting connection” at the end of the sentence in line 7.

6. Claim 2 is objected to because of the following informalities: replace the word “on” with the word --with-- between the words “flush” and “the receiving” in line 7.

7. Claim 3 is objected to because of the following informalities: add the word --which-- between the words “and” and “engage” in line 4.

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8. Claim 6 is objected to because of the following informalities: replace the word “in” with the word --of-- between the words “engagement” and “the inserted” in line 4.
9. Claim 19 is objected to because of the following informalities: delete the phrase “as an axial end stop for the clamping ring” in line 4 as this is a duplicate phrase.
10. Claim 20 is objected to because of the following informalities: delete “(F_Z)” in line 7 and “(F_H)” in line 10 to make this claim consistent with the other claims and to remove all references to reference numbers from the claims.

Correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
12. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the plug-in connection" in line 1. There is insufficient antecedent basis for this limitation in the claim.

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Claim 1 also recites the limitation “insert part...and the dirt seal...molded directly...*as a single piece with a cohesive material joint therebetween*” in lines 12-13. It is unclear what Applicant intends by this phrase. If the insert part and the dirt seal are molded as a single piece, how can there be a “cohesive material joint” in between? Examiner understands this to mean that the joint is located wherever the insert part and the dirt seal meet.

Claim 9 recites the limitation “the region” in line 3 and “the remaining region” in line 4. There is insufficient antecedent basis for these limitations in the claim.

Regarding claims 10-11, the phrase “in particular” renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention or just given as an example.

Regarding claim 14, the phrase “in particular” renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention or just given as an example.

Claim 14 recites “the housing part *or* the base part consists of metal”. This is unclear as the housing part consists of *both* the base part and the insert part. The insert part has already been claimed as being plastic in claim 1 and therefore, cannot suddenly be made metal. Examiner understands this claim to mean that only the base part is made of metal.

Claim 15 recites “the housing part *or* the base part consists of plastic”. This is unclear as the housing part consists of *both* the base part and the insert part. The insert part has already been claimed as being plastic in claim 1. If Applicant is trying to claim that the entire housing part consists of plastic, Applicant just needs to claim the base part and not the entire housing. Examiner understands this claim to mean that the entire housing is made of metal.

Claim 16 recites “the insert part...can be inserted into the base part with a press fit and/or has an outer circumferential sealing bead.” It is unclear what Applicant is trying to claim. Is Applicant trying to say that it *does* have an outer circumferential sealing bead or that it might have? Examiner understands this claim to mean that the outer circumferential sealing bead is required as Applicant attempts to further limit this structural element in claim 17 which depends from claim 16.

Claim 17 recites the limitation “the circumferential sealing bead” in line 2 and “the longitudinal slots” in line 5. There is insufficient antecedent basis for these limitations in the claim.

Claim 17 also recites the limitation “the circumferential sealing bead of the insert part...and is molded on *as a single piece with a cohesive material joint* together with the dirt seal” in lines 2-4. It is unclear what Applicant intends by this phrase. If the circumferential sealing bead of the insert part and the dirt seal are molded as a single piece, how can there be a

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“cohesive material joint” in between? Examiner understands this to mean that the joint is located wherever the insert part and the dirt seal meet.

Regarding claim 17, the word "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention or just given as an example.

Regarding claim 18, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention or just given as an example.

Claim 20 recites the limitation "the region of the spring arms" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 20, the phrase "as a result" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention or just given as an example.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

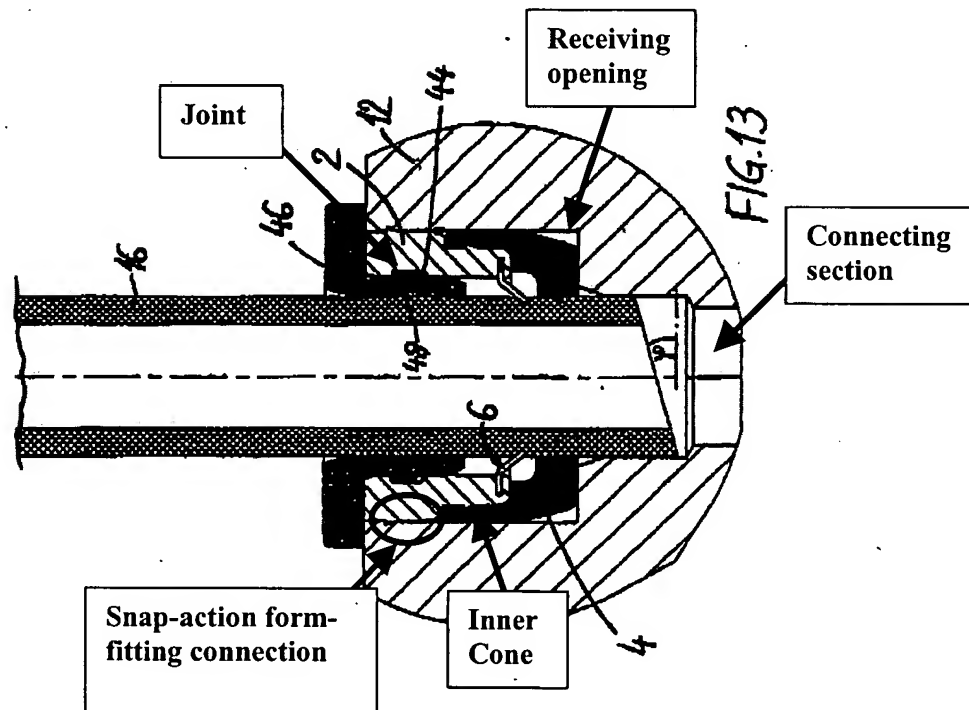
14. Claims 1, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salomon-Bahls EPO Patent No. EP 1,199,506.

With regard to claim 1 and as seen in Figure 13 below, Salomon-Bahls discloses a connecting device for the plug-in connection of at least one pipeline 16, comprising a housing part 2,12 having at least one receiving opening for the insertion of the pipeline, and a clamping ring 4, which is arranged in the receiving opening and, in order to lock the pipeline in place, interacts with an inner cone of the housing part, the housing part being made in two parts from a base part 12 and an insert part 2, which is connected to the base part via a snap-action form-fitting connection and which has the inner cone, and the insert part having a dirt seal 46 for resting on the circumference of the inserted pipeline, and the dirt seal consisting of a second, relatively soft and elastic plastic material, is molded directly onto it as a single piece with a cohesive material joint therebetween.

Note: the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation is given little patentable weight.

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Salomon-Bahls discloses that the insert part is of a metal material and not a plastic material. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have fabricated the insert part with plastic because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.



With regard to claim 7 and as seen in Figure 13 above, Salomon-Bahls discloses wherein the housing can be connected to a further assembly part via at least one connecting section.

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With regard to claim 8 and as seen in Figure 13 above, Salomon-Bahls discloses the connecting section being designed as a pipe attachment for insertion into the receiving opening.

Allowable Subject Matter

15. Claims 2-6 and 9-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

With regard to claim 2, the prior art of record does not teach or suggest where the insert part, in the inserted state, lies completely within the base part and ending flush on the receiving opening in combination with the connecting device of claim 1.

Claims 3-4 and 16-17 depend from claim 2 and therefore, would be found to be allowable should claim 2 be found allowable as they depend from claim 2.

With regard to claim 5, the prior art of record does not teach or suggest closed latching elements running in the circumferential direction on the snap-action form-fitting connection in combination with the connecting device of claim 1.

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With regard to claim 6, the prior art of record does not teach or suggest a supporting sleeve arranged within the base part for the frictional engagement of the inserted pipeline in combination with the connecting device of claim 1.

With regard to claim 9, the prior art of record does not teach or suggest the base part being designed as a two-component molded part of plastic in combination with the connecting device of claim 1.

With regard to claim 10, the prior art of record does not teach or suggest the connecting section being designed as a screw thread attachment in combination with the connecting device of claim 1.

With regard to claim 11 the prior art of record does not teach or suggest wherein the housing part being inserted with a plug-in section as a press-in cartridge into a connecting opening of an assembly part in combination with the connecting device of claim 1.

Claims 12-15 depend from claim 11 and therefore, would be found to be allowable should claim 11 be found allowable as they depend from claim 11.

With regard to claim 18, the prior art of record does not teach or suggest positioning means formed as two diametrically opposite, radially projecting longitudinal ribs on the outer

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circumference of the insert part which engage with corresponding longitudinal grooves of the base part in combination with the connecting device of claim 1.

With regard to claim 19, the prior art of record does not teach or suggest the insert part has retaining edges following the inner cone as an axial end stop for the clamping ring in combination with the connecting device of claim 1.

Claim 20 depends from claim 19 and therefore, would be found to be allowable should claim 19 be found allowable as it depends from claim 19.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fannie C. Kee whose telephone number is (571) 272-1820. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Fannie C. Kee
March 28, 2007



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